

IN RE: PETITION FOR VARIANCE

NE side of Del Rio Road; 220' W
of the c/line of Delmar Avenue
12th Election District
7th Councilmanic District
(68 Del Rio Road)

Gary W. and Michelle L. Dellinger
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2011-0356-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Gary W. and Michelle L. Dellinger, the legal owners of the subject property. Petitioners request Variance relief from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a side yard setback of 1 foot 10 inches and rear yard setback of 1 foot 9 inches in lieu of the required 10 feet and 30 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management.¹ Numerous Code Inspections and Enforcement Correction Notices and Stop Work Orders were issued to Petitioners: on July 10, 2010 (requiring valid permit for the new front porch roof, second floor addition, rear addition, attached garage and Stop Work Order), on August 16, 2010 (requiring valid permit for attached garage; variance relief to allow a 2 foot setback on side yard for attached garage), and on May 27, 2011 (requiring valid permit for attached garage on side of house and Stop Work Order). Hence, Petitioners filed the instant variance request.

¹ CO-0080749

ORDER RECEIVED FOR FILING

Date 8-4-11

By 

Appearing at the requisite public hearing in support of the variance request were Gary and Michelle Dellinger, property owners. Appearing in opposition to the request was Mark Kelly, who resides at 96 Del Mar Avenue.

Testimony and evidence offered revealed that the property which is the subject of this variance request consists of 4,536 square feet, more or less, and is zoned DR 5.5. The property is located on the east side of Del Rio Road in the Dundalk area of Baltimore County. The owners of the property, Gary and Michelle Dellinger, are requesting variance approval for improvements that they have already made to their two story frame dwelling. The Applicants hired a contractor to perform substantial improvements to their home where they have lived for the past 17 years. Unfortunately, the contractor they hired to perform the work absconded with their money in the middle of the job and failed to pull permits for the work that was performed on the property. The property owners are left with a half finished construction project that violates zoning setbacks. They are requesting variance approval to try to move forward with this project given that a Stop Work Order has been issued by Baltimore County Building Inspectors.

As can be seen by the site plan that was submitted into evidence as Petitioners' Exhibit 1, the owners have constructed a second story addition on their home, extended the home off the back of the house by an additional 11 feet, and constructed an "L" shaped garage on the side of the dwelling. The garage addition comes as close as 1 foot 9 inches from the corner of their property line and 1 foot 10 inches on the side of their property line.

Appearing in opposition to the request was Mark Kelly, who lives behind the Applicants, having a street address of 96 Del Mar Avenue. Mr. Kelly is opposed to the garage being situated only 1 foot 9 inches from his property line. There is a privacy fence that separates Mr. Kelly's property from the Applicants' property; however, the garage addition extends well above the

ORDER RECEIVED FOR FILING

Date 8-4-11

By [Signature]

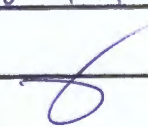
stockade privacy fence. It is Mr. Kelly's opinion that the garage addition overwhelms the rear yard of his property. He further stated that many of the homeowners in this subdivision have little rear yard area associated with their properties. Therefore, he is opposed to this large garage situated so close to the rear yard property line of his house. He also stated that he confronted the Petitioners' contractor at the time of construction inquiring as to whether or not a valid permit was pulled for this project. He was told by the contractor that they did have all valid permits. This statement by the contractor was obviously false.

After considering the testimony and evidence offered at the hearing, I find that the Petitioners' request for variance relief shall be denied in part, and granted in part. The addition as it currently exists on the Petitioners' property not only overwhelms the small lot that it is situated on, but also imposes upon the property owned by Mr. Kelly. This adverse impact is caused by the construction that is occurring in the rear yard of the Dellingers' property. The side yard setbacks appears to be acceptable as no one appeared in opposition to that request. However, I shall deny the rear yard variance to allow a rear yard setback of 1 foot 9 inches in lieu of the required 30 feet. As to the side yard variance, I shall allow and will approve a variance to allow the side yard setback of 1 foot 10 inches for a small garage on the side of the Petitioners' dwelling.

In essence, by denying the rear yard variance, the Petitioners will have to tear down and remove much of the improvements that exist in their yard. Basically, the Dellingers have constructed an 11 foot addition on the rear of their home. That 11 foot addition constructed on the rear of their dwelling appears to have a setback to the rear property line of approximately 20 feet on the north side of the house tapering down to a setback of approximately 17 feet on the southern end of the addition. The setback is reduced due to the slanted nature of the rear property line. In essence, the Applicants shall be permitted to square off the addition along the rear of the

ORDER RECEIVED FOR FILING

Date 8-4-11

By 

house and shall be permitted to keep a small garage for storage purposes or storing a small automobile on the side of their dwelling. All other improvements located in the rear of the property, said rear being defined as extending the rear wall of the addition over to the side property line, and removing all improvements that occur behind that rear building line. Reference is made to Petitioners' Exhibit 2, which has been marked and highlighted in red marker indicating that part of the addition that exists on the property today which must be torn down and completely removed from the rear yard. All other improvements shall be permitted to remain as a variance shall be granted for a rear yard setback of approximately 17 feet in lieu of the required 30 feet. Petitioners' Exhibit 2 shall be attached this Order as illustrative of the findings made herein and the area of the half finished improvements which must be removed permanently from the property.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners as well as their neighbor, Mark Kelly, I find that Petitioners' variance request should be granted in part and denied in part.

THEREFORE, IT IS ORDERED this 4th day of August, 2011 by this Administrative Law Judge that Petitioners' Variance request from Section 1B02.3.A.5 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a side yard setback of 1 foot 10 inches in lieu of the required 10 feet, be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the Variance request from Section 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of 1 foot 9 inches in lieu of the required 30 feet, be and is hereby DENIED;

IT IS FURTHER ORDERED, that a Variance to allow a 17 foot rear yard setback in lieu of the required 30 feet shall be GRANTED to allow the Petitioners to keep the 11 feet addition on

ORDER RECEIVED FOR FILING

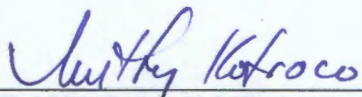
Date 8-4-11

4

By [Signature]

the rear of the home as well as some of the garage which was constructed on the side of the dwelling. All other improvements located beyond that rear foundation wall of the house which are illustrated in red on the attached Petitioners' Exhibit 2 shall be permanently removed within 60 days from the date of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

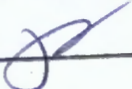

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

Attachment- Petitioners' Exhibit 2

TMK:pz

ORDER RECEIVED FOR FILING

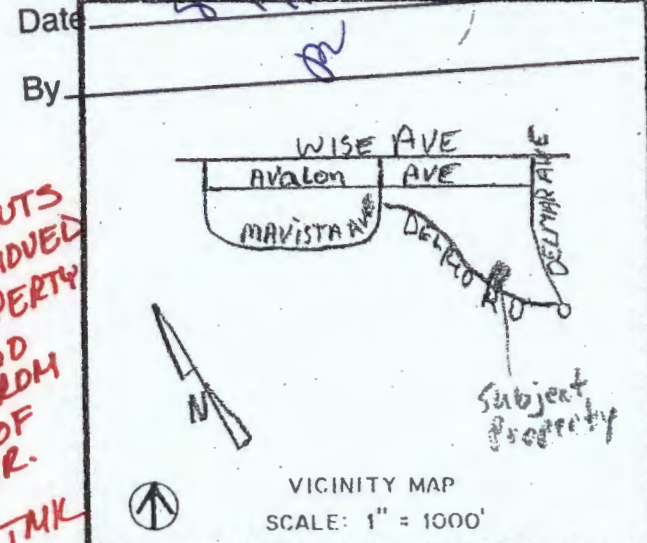
Date 8-4-11

By 

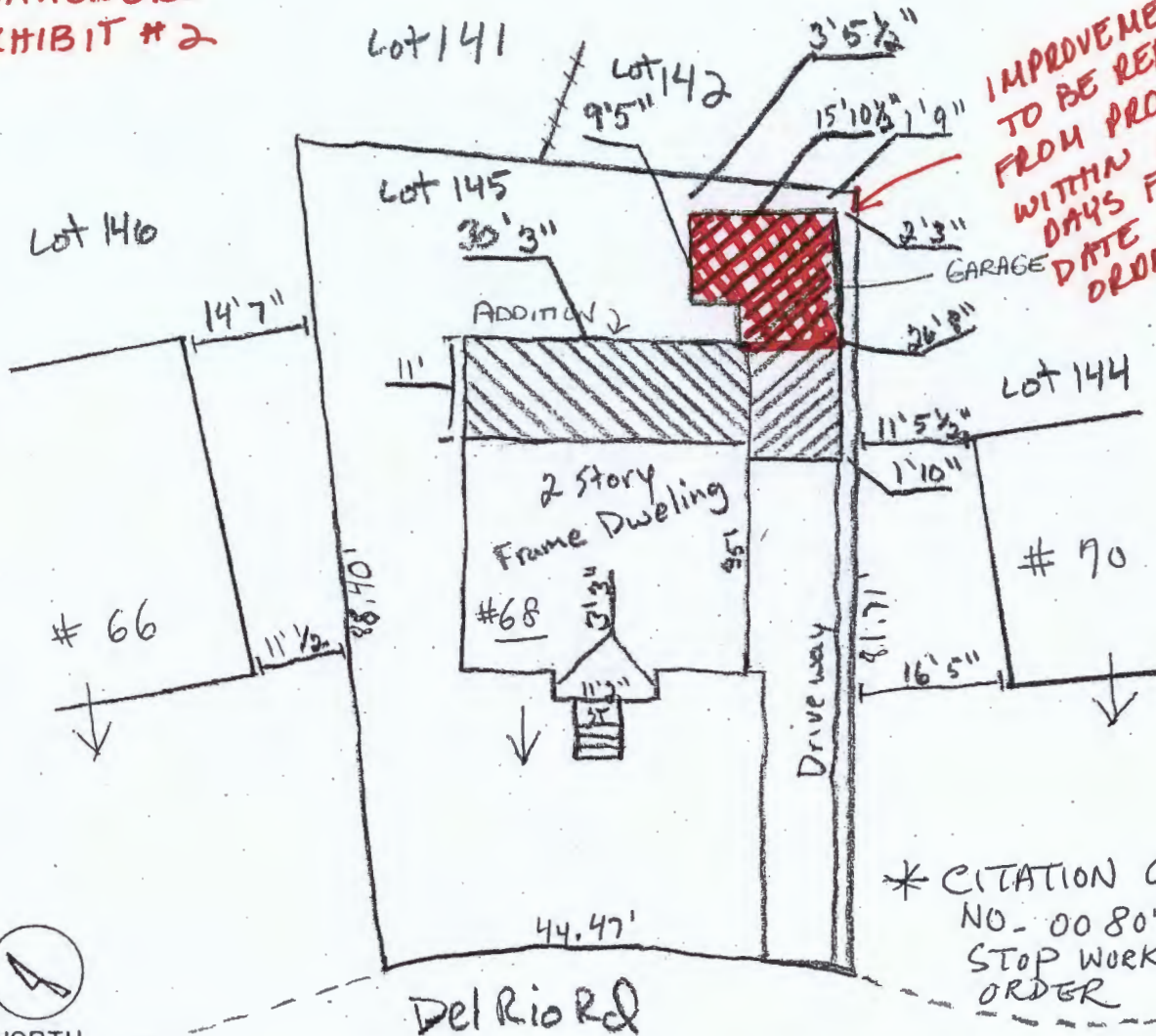
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 68 Del Rio Road
 SUBDIVISION NAME Inverness Annex No 1
 PLAT BOOK # 13 FOLIO # 27 LOT # 145 SECTION #
 OWNER Gary W. & Michelle L. Dellinger

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION



**PETITIONERS
 EXHIBIT # 2**



**IMPROVEMENTS
 TO BE REMOVED
 FROM PROPERTY
 WITHIN 60
 DAYS FROM
 DATE OF
 ORDER.**
 TMK

LOCATION INFORMATION

ELECTION DISTRICT 12TH
 COUNCILMANIC DISTRICT 7TH
 1"=200' SCALE MAP # 104 A 2
 ZONING DR 5.5
 LOT SIZE 4,536
 ACREAGE SQUARE FEET
 SEWER ☒ PUBLIC ☐ PRIVATE
 WATER ☒ ☐
 CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
 100 YEAR FLOOD PLAIN ☐ ☒
 HISTORIC PROPERTY/ BUILDING ☐ ☒
 PRIOR ZONING HEARING NONE

* CITATION CASE
 NO. 00 80749-
 STOP WORK
 ORDER

ZONING OFFICE USE ONLY

REVIEWED BY DT. ITEM # 0356 CASE # 2011-0356-A

PREPARED BY Gary W. Dellinger Jr

SCALE OF DRAWING: 1" = 20'



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

August 4, 2011

GARY W. AND MICHELLE L. DELLINGER
68 DEL RIO ROAD
BALTIMORE MD 21222

Re: Petition for Variance
Case No. 2011-0356-A
Property: 68 Del Rio Road

Dear Mr. and Mrs. Dellinger:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact the appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Mark Kelly, 96 Delmar Avenue, Baltimore MD 21222-4852
Baltimore County Code Enforcement



CBCA

TAX ACCOUNT # 1219027980

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 68 DEL RIO RD.
which is presently zoned D.R.55

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3A.5, 1B02.3B. (BCZR)

TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 1'10" AND REAR YARD SETBACK OF 1'9" IN LIEU OF THE REQUIRED 10' AND 30', RESPECTIVELY.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____ Date 8-4-11
Address _____ By [Signature] Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

GARY W DELLINGER SR.
Name - Type or Print _____
Signature Gary W. Dellinger Sr.
Michelle Dellinger
Name - Type or Print _____
Signature Michelle Dellinger
68 DelRio Rd 443-376-5148
Address _____ Telephone No. _____
Baltimore Md 21227
City _____ State _____ Zip Code _____
443 376 5148

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 6/13/11

Case No. 2011-0356-A

Zoning Description for **68 DEL RIO ROAD**

Beginning at a point on the northeast side of Del Rio Road having a 40-foot right-of-way and 220-feet west of the centerline of Delmar Avenue having a 50-foot right-of-way. Being Lot #145 in the Subdivision known as "Inverness – Annex No. 1" as recorded in Baltimore County Plat Book #13, Folio #27 containing 4,536 square feet. Also known as 68 Del Rio Road and located in the 12th Election District and 7th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **70326**

Date: **6/13/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 6/14/2011 6/13/2011 14:21:04 2

REC MSG2 MAIL JEVA JEE
 >RECEIPT # 738356 6/13/2011 OFLN

Dept 5 528 ZONING VERIFICATION

NO. 073026

Recpt Tot \$75.00
 \$1.00 CK \$80.00 CA
 \$5.00- CB

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **GARY DELLINGER**

For: **2011-0356-A**
68 DEL RIO RD.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

2011 356 7-13

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0356-A

68 Del Rio Road

N/east side of Del Rio Road, 220 feet west of centerline of Delmar Avenue

12th Election District — 7th Councilmanic District

Legal Owner(s): Gary and Michelle Dellinger, Sr.

Variance: to permit an addition with a side yard setback of 1 foot 10 inches and rear yard setback of 1 foot 9 inches in lieu of the required 10 feet and 30 feet respectively.

Hearing: Wednesday, July 13, 2011 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 6/736 June 28

20007

CERTIFICATE OF PUBLICATION

6/30/2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/28/2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 201-0356-A

Petitioner/Developer GARY &
MICHELLE DELLINGER

Date Of Hearing/Closing: 4/13/11

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 68 DEL RIO ROAD

This sign(s) were posted on

June 28, 2011

Month, Day, Year

Sincerely,

Martin Ogle 4/28/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

CASE # 2011-0350-A

ROOM 205, JEFFERSON BUILDING 105
PLACE: WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: WEDNESDAY, JULY 13, 2011
AT 2:30 P.M.

REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD
SETBACK OF 1 FOOT 10 INCHES AND A REAR YARD SETBACK
OF 1 FOOT 9 INCHES IN LIEU OF THE REQUIRED 10 FEET
AND 30 FEET RESPECTIVELY.

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD, 21204
TEL. 410-887-3391

06/28/2011

Jefferson 6/26/11

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 28, 2011 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Gary Dellinger, Sr.
68 Del Rio Road
Baltimore, MD 21222

443-376-5148

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0356-A

68 Del Rio Road

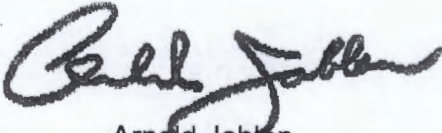
N/east side of Del Rio Road, 220 feet west of centerline of Delmar Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Gary and Michelle Dellinger, Sr.

Variance to permit an addition with a side yard setback of 1 foot 10 inches and rear yard setback of 1 foot 9 inches in lieu of the required 10 feet and 30 feet respectively.

Hearing: Wednesday, July 13, 2011 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 21, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0356-A

68 Del Rio Road

N/east side of Del Rio Road, 220 feet west of centerline of Delmar Avenue

12th Election District – 7th Councilmanic District

Legal Owners: Gary and Michelle Dellinger, Sr.

Variance to permit an addition with a side yard setback of 1 foot 10 inches and rear yard setback of 1 foot 9 inches in lieu of the required 10 feet and 30 feet respectively.

Hearing: Wednesday, July 13, 2011 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Dellinger, 68 Del Rio Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 28, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2011-0356-A

Petitioner: DELLINGER

Address or Location: 68 DEL RIO RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. GARY DELLINGER

Address: 68 DEL RIO RD.

BALTO. MD 21222

Telephone Number: 443-376-5148



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 6, 2011

Mr. & Mrs. Dellinger
68 Del Rio Road
Baltimore, MD 21222

RE: Case Number 2011-0356-A, 68 Del Rio Road

Dear Mr. & Mrs. Dellinger,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 13, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverly K. Swaim-Staley, Secretary
Neil J. Podersen, Administrator

Maryland Department of Transportation

Date: 6-22-2011

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2011-0356-A
68 DEL RIO RD.
DELLINGER PROPERTY
VARIANCE-

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0356-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Access Management Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide toll free

Street address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone 410.545.0300 - www.marylandroads.com



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 28, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 20, 2011**

Item No.:

Special Hearing: 2011-0355-SPHA, 2011-0357-SPHA

Administrative Variance: 2011-0352A – 0354A

Variance: 2011-0355-SPHA, 2011-0356A, 2011-0357-SPHA, 2011-0358A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: June22, 2011

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 05, 2011
Item Nos. 2011-138, 352, 353, 354, 355, 356, 357
And 358.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07052011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUL 01 2011

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 30, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-356-A
Address 68 Del Rio Road
(Dellinger Property)

Zoning Advisory Committee Meeting of July 5, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area and is subject to the Critical Area 10% pollutant reduction requirements. The applicant is proposing to reduce the side and front yard setbacks for an addition, a driveway extension, and a garage. To minimize impacts on water quality, the 10% pollutant reduction requirements must be met. This may include planting trees on the lot, paying a fee-in-lieu, or a combination of both. By meeting this requirement, the relief requested by the applicant will result in minimal impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

This property is not waterfront. No forest, wetlands, or buffers will be impacted. Therefore, there will be no impact to habitat.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: *Regina Esslinger; Environmental Impact Review*

MEMORANDUM

TO: Andrea Van Arsdale, Director
Office of Planning

FROM: Lawrence M. Stahl
Managing Administrative Law Judge

DATE: July 18, 2011

SUBJECT: ZAC Comment for Case No. 2011-0356-A



This comment was received after the close of the hearing record in this matter. It was not therefore included in the Opinion and Order issued; however, a copy, attached to this memo, is being retained in the file.

LMS:dlw
Attachment

TK 7/13 2:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: July 8, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 68 Del Rio Road

INFORMATION:

Item Number: 11-356

Petitioner: Gary W. Dellinger Sr.

Zoning: DR 5.5

Requested Action: Variance

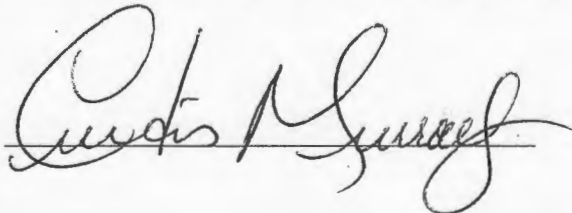
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The proposed garage addition fills most of the yard. The neighboring houses are very close to the subject property line. The garage addition is currently half built and not designed to properly attach to the house or fit in the very constrained yard area. It is not appropriate or compatible to the space or the neighborhood respectively.

The Office of Planning recommends approval of the rear addition that attaches to the principal dwelling across the entire rear of the house, and denial of the 'L' shaped attached 'garage' addition.

For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:



Division Chief: _____

JM/LL: CM

RECEIVED

JUL 15 2011

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR VARIANCE
68 Del Rio Road; NE/S Del Rio Road,
220' W of c/line Delmar Avenue
12th Election & 7th Councilmanic Districts
Legal Owner(s): Gary & Michelle Dellinger
Petitioner(s)

* BEFORE THE
* ADMINISTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2011-356-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUN 21 2011

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of June, 2011, a copy of the foregoing Entry of Appearance was mailed to Gary & Michelle Dellinger, 68 Del Rio Road, Baltimore, MD 21222, Petitioner(s).

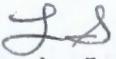
Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: June 23, 2011

TO: David Lykens
Department of Environmental Protection and Sustainability

FROM: Lawrence M. Stahl 
Managing Administrative Law Judge

SUBJECT: DEPS Comment for Case No. 2011-0356-A - ZAC Agenda –
Distribution Meeting of June 20, 2011
(68 Del Rio Road)

We have received a copy of the above ZAC agenda.

It indicated that Case No. 2011-0356-A is located within the Chesapeake Bay Critical Area (CBCA). As such, under Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), no decision may be rendered by this Office concerning this request until we have received a written comment (including "no comment") from you. If it is not received by the hearing date, this matter will be postponed.

In order to avoid delays, please forward your recommendation in a timely manner.

LMS:dlw

ZAC AGENDA

Case Number: 2011-0356-A

Primary Use: Residential

Reviewer: DT

Type: VARIANCE

Legal Owner: Gary & Michelle Dellinger, Sr.

Contract Purchaser:

Critical Area: YES Flood Plain: NO Historic: NO Election Dist: 12th Councilmanic Dist: 7th

Property Address: 68 Del Rio Rd

Location: NE/S of Del Rio Road; 220 feet West of centerline Delmar Avenue

Existing Zoning: DR 5.5

Area: 4,536 square feet

Proposed Zoning: VARIANCE to permit an addition with a side yard setback of 1 foot 10 inches and rear yard setback of 1 foot 9 inches in lieu of the required 10 feet and 30 feet, respectively.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases: 0080749

Closing Date:

Miscellaneous:

Case Number: 2011-0357-SPHA

Primary Use: Residential

Reviewer: JNP

Type: VARIANCE SPECIAL HEARING

Legal Owner: Shawn and Theresa Durkin

Contract Purchaser:

Critical Area: NO Flood Plain: NO Historic: NO Election Dist: 12th Councilmanic Dist: 6th

Property Address: 1407 Vesper Ave

Location: E/S of Vesper Avenue, 375 feet N of Wenig Avenue

Existing Zoning: DR 5.5

Area: 8,350 sq. ft.

Proposed Zoning: VARIANCE to permit a proposed accessory building (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet.

SPECIAL HEARING to permit a proposed accessory building (garage) with a building footprint (1,064 sq. ft.) that is larger than the principal use dwelling footprint (980 sq. ft.).

Attorney:

Prior Zoning Cases: 2003-0469-A

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous:

Debra Wiley - Re: ZAC Comments

From: Dennis Kennedy
To: Wiley, Debra
Date: 6/24/2011 2:22 PM
Subject: Re: ZAC Comments

Deb:

These are just going to the Zoning Office today.
Dennis

>>> Debra Wiley 6/23/2011 3:48 PM >>>
Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2011-0138-SPHA - 9601 Liberty Road
(REMANDED back to OAH from Board of Appeals)

2011-0352-A (Administrative Variance) - 13 Campitelli Court (Closing Date 7/4/10)
2011-0353-A (Administrative Variance) - 7512 Knollwood Rd. (Closing Date 7/4/10)
2011-0354-A (Administrative Variance) - 5701 Emory Rd. (Closing Date 7/4/10)

2011-0355-SPHA -14425-14423 Thornton Mill Road
(No Hearing Date reflected in data base as of today)

2011-0356-A - 68 Del Rio Road
(No Hearing Date reflected in data base as of today)

2011-0357-SPHA - 1407 Vesper Ave.
(No Hearing Date reflected in data base as of today)

2011-0358-A - 802 Overbrook Rd.
(No Hearing Date reflected in data base as of today)

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2011-0356-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: June 23, 2011

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2011-0356-A
Legal Owner/Petitioner: Gary and Michelle Dellinger, Sr.
Contract Purchaser: N/A
Property Address: 68 Del Rio Road
Location Description: NE/S of Del Rio Rd. 220 ft. w of centerline Delmar Ave.

VIIOLATION INFORMATION: Case No. 2011-0356-A
Defendants: Gary and Michelle Dellinger, Sr.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | |
|-------------------------------------|---|
| ☒ | 1. Complaint letter/memo/email/fax (if applicable) |
| ☐ | 2. Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☒ | 3. State Tax Assessment printout |
| ☐ | 4. State Tax Parcel Map (if applicable) |
| ☐ | 5. MVA Registration printout (if applicable) |
| ☐ | 6. Deed (if applicable) |
| ☐ | 7. Lease-Residential or Commercial (if applicable) |
| ☒ | 8. Photographs including dates taken |
| ☒ | 9. Correction Notice/Code Violation Notice |
| ☐ | 10. Citation and Proof of Service (if applicable) |
| ☐ | 11. Certified Mail Receipt (if applicable) |
| ☐ | 12. Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☒ | 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/rw
C: Code Enforcement Officer

DATE: 06/23/2011

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:26:02

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 19 027980	12	3-0	04-00	H	NO		06/15/11

DELLINGER GARY W

DESC-1..

DELLINGER MICHELLE L

DESC-2.. INVERNESS

68 DEL RIO RD

PREMISE. 00068 DEL RIO

RD

00000-0000

BALTIMORE

MD 21222-4850 FORMER OWNER: SELLERS GERTRUDE H

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	49,500	49,500		FCV	ASSESS	ASSESS
IMPV:	92,540	123,600	TOTAL..	173,100	173,100	162,747
TOTL:	142,040	173,100	PREF...	0	0	0
PREF:	0	0	CURT...	173,100	173,100	162,746
CURT:	142,040	173,100	EXEMPT.		0	0

DATE: 09/08 09/08

---- TAXABLE BASIS ---- FM DATE

ASSESS: 173,100

ASSESS: 162,747

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 06/23/2011

STANDARD ASSESSMENT INQUIRY (2)

TIME: 08:26:30

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 19 027980	12	3-0	04-00	H	NO		06/15/11
LOT....	145	BOOK....		MAP.....	0104	LOT WIDTH.....	.00
BLOCK..		FOLIO...		GRID....	0013	LOT DEPTH.....	.00
SECTION..				PARCEL..	0222	LAND AREA..	4536.000 S
PLAT..						YEAR BUILT.....	49

-----TRANSFER DATA-----

NUMBER..... 032688
 DATE..... 06/30/94
 PURCHASE PRICE..... 81,900
 GROUND RENT..... 0
 DEED REF LIBER..... 10629
 DEED REF FOLIO..... 0701
 CONVEYED IND..... 1
 TOT-PART TRAN IND.....
 GRANTOR ACCT NO.. - -

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE.....
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

CRITICAL	NEW CONST	CARD
----------	-----------	------

AREAS CODE	YEAR	NO	CODE	SQ. FEET
		07983		1124

-----STRUCTURE-----

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 06/23/2011

STANDARD ASSESSMENT INQUIRY (3)

TIME: 08:26:37

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 19 027980	12	3-0	04-00	H	NO		06/15/11

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 06/15/11

82 NO R

DELETE CODE..... T

DATE DELETED.....

LAST FM DATE.....

LAST FM TYPE.....

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 06/15/11

PRIOR LOAD DATE.. 04/20/11

STATE TAXABLE ASSESS

ASSESS: 173,100

ASSESS: 162,747

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000000 to EE9999999
Scheduled Date(s): 5/18/2011 to 5/18/2011
PE Range: BI01 to BI06

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0080749		Tim Kidd	05/18/2011		Karen Hopkins	07/09/2010	Open - Normal		45A5

Complaint Description: MAJOR RENOVATION-ADDING 2ND FL. W/O PERMITS
SEE LETTER
07/20/10 - 2ND COMPLAINANT-JIM @GMAIL.COM

Facility:	Owner:	Complainant:
FA0018873 PDM 1219027980 68 DEL RIO RD DUNDALK, MD, 21222	DELLINGER GARY W DELLINGER MICHELLE L 68 DEL RIO RD BALTIMORE MD 21222	ANONYMOUS LETTER

Daily Activity Details

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0100406	Tim Kidd	04/27/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 4/27/11 WILL EXTEND SO PAPERS FOR VARIANCE CAN BE TURNED IN TO ZONING OFFICE. P/U 5/18/11 T.KIDD/NS***

Violation Details

Violation Record ID:	Comply By:	Complied On:	Status:
IV0051974	05/18/2011		NOT IN COMPLIANCE

Program Category/Section Source: Building Inspection/IBC
Violation Description: IBC Violation
Correction Text:
Violation Text:
Violation Comment:

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0098985	Tim Kidd	04/20/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 04/19/11 TALKED TO HOME OWNER WHO INFORMED SHE WOULD BE HERE IN TOWSON TO START. VARIANCE FOR GARAGE ON SIDE OF HOME. WILL REOPEN CASE. FOLLOW UP IN 1 WK. P/U 04/26/11. T.KIDD/KH.

Violation Details

Violation Record ID:	Comply By:	Complied On:	Status:
IV0051259	05/18/2011		NOT IN COMPLIANCE

Program Category/Section Source: Building Inspection/IBC
Violation Description: IBC Violation
Correction Text:
Violation Text:
Violation Comment:

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0093560	Gary Hucik	03/01/2011	REINSPECTION	IN COMPLIANCE	CLOSE CASE

Inspector Notes: 3/1/11 INSPECTIONS ARE TAKING PLACE. CORRECTIONS ARE BEING MADE. WILL PURSUE THROUGH PERMIT PROCESS. CASE CLOSED. G.HUCIK/NS***

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0086937	Gary Hucik	11/26/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 11/26/10 EXT. TO ALLOW FOR OWNER TO ALLOW INSPECTIONS. P/U 12/15/10. G.HUCIK/KH.

Violation Details - No Data



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000000 to EE9999999
Scheduled Date(s): 5/18/2011 to 5/18/2011
PE Range: BI01 to BI06

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0086113	Gary Hucik	11/16/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 11/16/10 PERMITS OBTAINED. ALLOW OWNER TIME TO ALLOW FOR INSPECTIONS. P/U 11/24/10. G.HUCIK/KH.

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0083106	Gary Hucik	10/18/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 10/18/10 INSPECTION MADE ON FOOTERS. EXTENDING CASE UNTIL 11/10/10. G.HUCIK/KH.

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0079326	Gary Hucik	09/17/2010	IN-OFFICE ADMINISTRATIVE WORK	FACT FINDING	MONITOR

Inspector Notes: 09/17/10 WORK IS UNDER CONSTRUCTION. PERMIT # B743138 FOR RAZING GARAGE, PERMIT # B743139 FOR REMOVING & REPLACING REAR ADDITION, PERMIT # B744188 FOR 2ND FLR. ADDITION. THERE IS NO PERMIT FOR GARAGE. A VARIANCE WILL BE REQ'D IF GARAGE CONSTRUCTION IS PURSUED. P/U 10/14/10. G.HUCIK/KH.

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0076334	Karen Hopkins	08/30/2010	REINSPECTION	FACT FINDING	MONITOR

Inspector Notes: 08/27/10 MONITOR PROPERTY. P/U 09/27/10. G.HUCIK/KH.

Violation Details

Violation Record ID: IV0041157 Comply By: 12/15/2010 Complied On: 03/01/2011 Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC Violation Description: IBC Violation
Correction Text:
Violation Text:
Violation Comment:

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0074635	Karen Hopkins	08/17/2010	REINSPECTION	FACT FINDING	MONITOR

Inspector Notes: 08/16/10 CONTRACTOR HAS OBTAINED PERMIT APPLICATIONS FOR 2ND FLOOR ADD. & 1ST FLOOR ADD. A 2ND NOTICE HAS BEEN ISSUED FOR ATTACHED GAR. A VARIANCE IS REQ'D. TO ALLOW A 2' SET BACK. P/U 09/15/10. G.HUCIK/KH.

Violation Details

Violation Record ID: IV0040336 Comply By: 09/15/2010 Complied On: 09/17/2010 Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC Violation Description: IBC Violation
Correction Text:
Violation Text:
Violation Comment:

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0072351	Gary Hucik	07/27/2010	REINSPECTION	NOT IN COMPLIANCE	NO ACTION TAKEN

Inspector Notes: 7/27/10 MADE A WALK THROUGH OF PROPERTY OWNER NEEDS TO OBTAIN A PERMIT FOR FRONT PORCH, 2ND FLOOR ADDITION, 1ST FLOOR ADDITION AND ATTACHED GARAGE. P/U 8/26/10 G.HUCIK/RW

Violation Details



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000000 to EE9999999
Scheduled Date(s): 5/18/2011 to 5/18/2011
PE Range: BI01 to BI06

Violation Record ID: IV0038971 Comply By: 08/26/2010
Program Category/Section Source: Building Inspection/IBC
Correction Text:
Violation Text:
Violation Comment: WALK THROUGH. P/U 8/26/10 G.HUCIK

Complied On: 09/09/2010 Status: NOT IN COMPLIANCE
Violation Description: IBC Violation

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0069604	Karen Hopkins	07/13/2010	INITIAL INSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED
<u>Inspector Notes:</u> 07/12/10 INSPECTED PROP. A NOTICE ISSUED TO STOP ALL WORK 7 OBTAIN A VALID PERMIT FOR FRONT PORCH ROOF, 2ND FL. ADD., REAR ADD. & ATTACHED GAR. P/U 07/23/10. G.HUCIK/KH.					

Violation Details

Violation Record ID: IV0037716 Comply By: 07/23/2010
Program Category/Section Source: Building Inspection/IBC
Correction Text:
Violation Text:
Violation Comment:

Complied On: 09/09/2010 Status: NOT IN COMPLIANCE
Violation Description: IBC Violation

Comment Details - No Comments**Lien Information - None**

Mileage:



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

12th DIST

OFFICE HOURS: 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 80749	Property No. 1219027980	Zoning:
Name(s): Dellinger Gary W. Dellinger Michelle L.		
Address: 68 Del Rio Rd. Baltimore Md 21222		
Violation Location: Same as above		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Building Code
Section 35.2-301.304 Permit Required

Secure Permit
for Attach Garage on side
of house.

Please Call if any
Questions

410.887.3953

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 6.10.11	DATE ISSUED: 5.27.11
---------------------------------	--------------------------------

INSPECTOR: **Tim Ridd** **John Ridd**



NEW for Addition
Note and Inspections
6/20/10

06/16/2010

To whom it may concern,

There is a house that is under major renovations, it started which looked like a large addition onto the back of the structure. They are now continuing with taking off the second floor roof and building up with walls. I ride by this location numerous time and I have never seen a permit posted. I was concern if there was a permit issued for this work besides being hideous looking it does not look like it is being constructed properly and safe. It is located at 68 Del Rio Road in the Dundalk area of 21222. I am sorry for the inconvenience but thanks for looking into the matter.

Thanks,

Concerned Citizen

621

From: <jim@gmail.com>
To: <pdmenforce@baltimorecountymd.gov>
Date: 7/19/2010 10:35 AM
Subject: Web-Code Enforcement Complaint

Results of Form Submission

Web-Code Enforcement Complaint

Label	Value
Location	68 del rio
Location Zip Code	21222
Description of Problem	2nd story being added and garage being built right on my fence line. No permits or zoning notice posted
Can we contact you?	
Email	jim@gmail.com
Name	
Address	
Zip Code	
Home Phone Number	
Work Phone Number	
Additional Information	

KN

DE ENFORCEMENT REPC

DATE: 7.19.10 INTAKE BY: GB CASE #: C00080749 INSPEC: _____

COMPLAINT

LOCATION: 68 DEL RIO

ZIP CODE: _____ DIST: _____

COMPLAINANT

NAME: JIM @GMAIL.COM PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: 2ND STORY ADDED TO GAR - NO PERMIT

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT

INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: B 743139 APP FOR NOT ISSUED
PRIOR - CASE C0080749

REINSPECTION:

REINSPECTION:

REINSPECTION:



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake
Towson, MD 21204

OFFICE HOURS: 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 80749	Property No. 1219027980	Zoning: DE
-----------------------------------	-----------------------------------	----------------------

Name(s):

Gary W Dellinger
Michelle L Dellinger

Address:

68 Del Rio Rd Baltimore MD 21222

Violation

Location:

68 Del Rio Rd 21222

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Building Code
Section 35-2-304

A valid permit is required
for attached garage.

Variance will need to be
applied for to allow a 2' set
back on side yard

Hand Served to contractor

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 9/15/10	DATE ISSUED: 8/16/10
------------------------------	-----------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

GARY HUCK
Gary Huck

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

INSPECTOR:

UPDATE / MESSAGE FORM

Date: 8/16/10

Inspector: G. W. C. K.

Case #: 80749

Address: 68 Del Rio

Comments: Contractor has obtain permit applications
for 2nd floor addition and 1st floor
addition. A second notice is has been
issued for ~~attached~~ attached garage
a variance is required to allow a 2 foot
set back

r/c. 9/15/10 Larry H. H.
KH

Entered into Envision _____



Baltimore County
Department of Permits
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS: 9:00 AM - 5:00 PM
Building Inspection: 410-887-3951
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation No: 80749 Date: 07/23/10 7980-1 DE

Name(s): Gary W Dellinger
Michelle L Dellinger

A. Address: 68 Del Rio Rd Baltimore MD 21222

Vic Loc Violation Location: SAME AS ABOVE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCC 35-2-304

A Valid permit is required for new front porch roof, Second floor addition, rear addition, and attached Garage.

* Failure to comply will result in fines *

* ~~the~~ BCC 114 Stop work order stop all work until permit is obtained or additional fines will be imposed (Sent by mail & posted on site)

YOU ARE HEREBY

ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 7/23/10

ON OR BEFORE:

7/23/10

DATE ISSUED:

7/12/10

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: GARY HUCK

INSPECTOR: GARY HUCK

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 7/12/10 DATE ISSUED: 7/12/10

GARY HUCK

AGENCY



07/16/2010



DATE: 7.9.50 INTA BY: GB CASE #: COO 0749 INSPEC: _____

COMPLAINT
LOCATION: 68 DEL RIO RD

ZIP CODE: _____ DIST: _____

COMPLAINANT
NAME: ARNOLD LETTER PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: MAJOR RENOVATION - ADDING 2ND FL.
SEE #11 LETTER - NO PERMITS

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____
OWNER/TENANT
INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:**District - 12 Account Number - 1219027980****Owner Information**

Owner Name: DELLINGER GARY W
DELLINGER MICHELLE L
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 68 DEL RIO RD
BALTIMORE MD 21222-4850
Deed Reference: 1) /10629/ 00701
2)

Location & Structure Information**Premises Address**

68 DEL RIO RD
0-0000

Legal Description

68 DEL RIO RD NE
INVERNESS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0104	0013	0222		0000			145	3	Plat Ref: 0013/0027

Special Tax Areas
Town NONE
Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,124 SF	4,536 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT ASBESTOS SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	49,500	49,500		
Improvements:	92,540	123,600		
Total:	142,040	173,100	162,747	173,100
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
SELLERS GERTRUDE H	06/30/1994	\$81,900
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/10629/ 00701	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
* NONE *





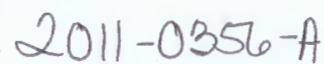
2011-0356-A



2011-0356-A



2011-0356-A



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 68 Del Rio Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

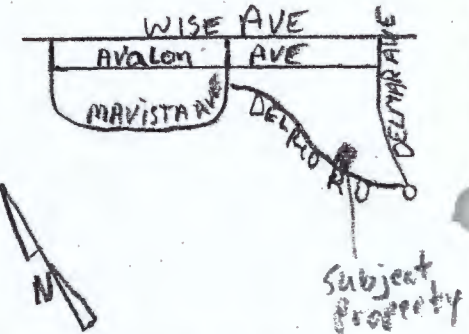
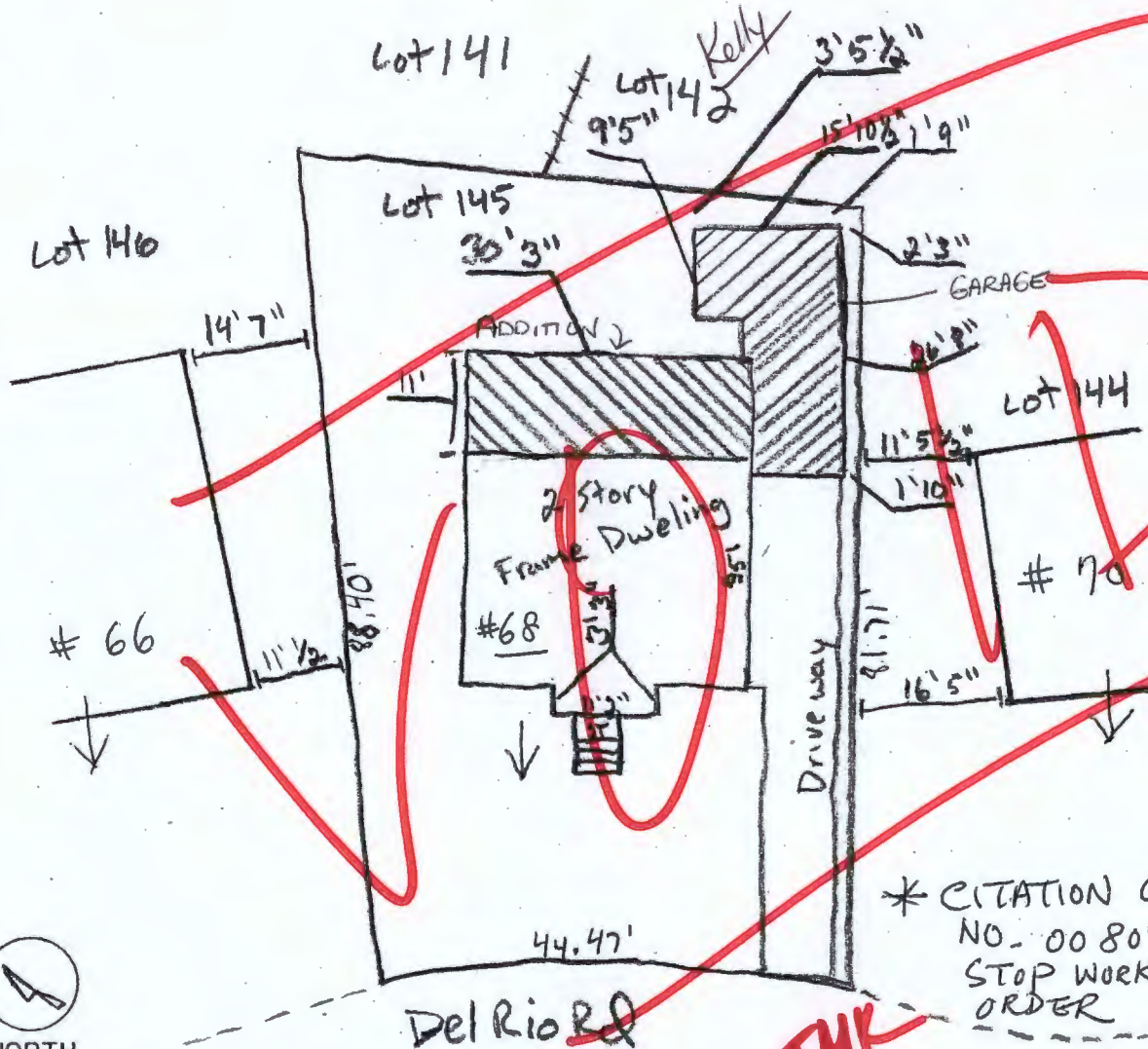
SUBDIVISION NAME Inverness Annex No 1

PLAT BOOK # 13 FOLIO # 27 LOT # 145 SECTION #

OWNER Gary W. & Michelle L. Dellinger

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12TH
COUNCILMANIC DISTRICT 7TH
1"=200' SCALE MAP # 104 A 2
ZONING DR 5.5

LOT SIZE 4,536
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/ BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 0356 2011-0356-A

PREPARED BY Gary W. Dellinger Jr

SCALE OF DRAWING: 1" = 20'

TMK

* CITATION CASE
NO. 0080749-
STOP WORK
ORDER